

REMARKS

Applicants respectfully submit that no new matter is added in the above amendments and added claims.

Claim 29 stands objected to due to certain informalities. Claims 9 and 17 stand rejected under 35 U.S.C. §112, first paragraph, based on undue breadth. Claims 7, 23, and 29 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 8, 10, 16, 18, 22 and 23-33 stand rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 1-2, 6-10, 22-24, and 28 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by United States Patent Publication 2002/0109718 to Mansour et al. ("Mansour"). Claims 3-4, 11-12, 14-18, 25-26, 29-30 and 32-33 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious by Mansour in view of a paper entitled, "Remote Desktop Protocol (RDP) Features and Performance" ("RDP White Paper"). Claims 5 and 27 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious by Mansour in view of United States Patent Publication 2002/0075301 to Basso et al. ("Basso"). Claims 13 and 31 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious by Mansour in view of RDP White Paper, and further in view of United States Patent 6,970,920 to Poirier et al. ("Poirier"). Applicants respectfully traverse.

Interview Summary

Applicants' representative, Mr. Eiferman, and Examiner David Lazaro participated in a telephonic interview on August 7, 2007 to discuss proposed amendments to the independent claims, as well as the Mansour et al. reference. Examiner Lazaro agreed to reevaluate the pending rejections in light of the amendments and arguments contained herein.

Restriction Requirement under 35 U.S.C. §121

The Examiner has indicated that the present application contains claims drawn to two separate and distinct inventions. Applicants' attorney, Steven Rocci, previously made

a provisional election to prosecute the invention of group 1 (i.e., claims 1-18 and 22-33) and affirmation of such election is hereby made.

Objections to the Claims

Claims 29 stands objected to due to certain informalities. Applicant has amended such claim in accordance with the Examiner's suggestions in the Office Action for overall clarity and consistency. Accordingly, it is believed that such objection is now moot.

Rejections under 35 U.S.C. §112, 1st Paragraph

Claims 9 and 17 stand rejected under 35 U.S.C. §112, first paragraph, as being allegedly based on undue breadth. Such claims have been cancelled and the rejections thereof are now moot.

Rejections under 35 U.S.C. §112, 2nd Paragraph

Claims 7, 23, and 20 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 has been amended to address the insufficient antecedent basis for the limitation "the remoting software of the remote device" and clarified the language of such claim to provide clarity. Claims 23 and 29 have been amended to put the language of such claims in proper form. In particular, the means plus function language has been cancelled and replaced with "instructions for" language. Accordingly, Applicants believe that all pending claims are now definite and requests that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn.

Rejections under 35 U.S.C. §101

Claims 8, 10, 16, 18, 22 and 23-33 stand rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 8, 10, 16, 18, and 22 have been cancelled and the rejection of such claims is now moot. Claims 23 and 29 have been amended to include the language "computer readable **storage** medium" to distinguish over the interpretation that communication media is included therewith. Thus,

such claims, as well as those depending directly or indirectly therefrom, fall within the statutory categories eligible for protection.

Accordingly, Applicants believe that all pending claims now meet the requirements for statutory subject matter and requests that the rejections under 35 U.S.C. §101 be withdrawn.

Rejections under 35 U.S.C. §102(b)

Claims 1-2, 6-10, 22-24, and 28 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by United States Patent Publication 2002/0109718 to Mansour et al. (“Mansour”).

It will be appreciated that independent claims 1, 11, 23 and 29 have been amended to include the limitation that a separate media channel is utilized to transmit the user interface and the media by means of separate channels. As such, Applicants argue that the Mansour reference, as applied, does not disclose all the limitations contained in such claims.

Further, it is not seen where the “device capabilities” applied by the Examiner at Page 10, paragraphs [0097]-[0112] of Mansour reference disclose the “media capabilities” as claimed. While the Mansour patent sets out certain basic information for each client device, there is nothing indicated involving the media contemplated by the present invention (see Page 4, paragraph [0012] of the specification).

Claims 8-10 and 22 have been cancelled.

Accordingly, reconsideration and withdrawal of all rejections under 35 U.S.C. §102 are respectfully requested.

In addition, new independent claim 34, as well as claims 35-37 depending therefrom, has been added to better reflect the system involved for performing the method of claims 1 and 11.

Rejections under 35 U.S.C. § 103(a)

Claims 3-4, 11-12, 14-18, 25-26, 29-30 and 32-33 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious by Mansour in view of in view of a paper entitled, “Remote Desktop Protocol (RDP) Features and Performance” (“RDP White Paper”). Claims 5 and 27 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious by Mansour in

view of United States Patent Publication 2002/0075301 to Basso et al. (“Basso”). Claims 13 and 31 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious by Mansour in view of RDP White Paper, and further in view of United States Patent 6,970,920 to Poirier et al. (“Poirier”)

It will be appreciated that claims 3-5 depend directly from claim 1, claims 12-15 depend directly from claim 11, claims 25-26 depend directly from claim 23, and claims 30 and 32-33 depend directly from claim 29. Claims 16-18 have been cancelled. Because the rejection of the remaining claims directly or indirectly involves the Examiner’s application of the Mansour reference, Applicants also respectfully traverse such rejections for the reasons set forth above. Thus, Applicants submit that claims 3-4, 12, 14-15, 25-26, 30 and 32-33 are patentable and the rejections thereof are respectfully traversed.

Accordingly, reconsideration and withdrawal of all rejections under 35 U.S.C. § 103 rejections are respectfully requested.

DOCKET NO.: 306494.01 / MSFT-2773
Application No.: 10/674,706
Office Action Dated: June 13, 2007

PATENT

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that such claims are in condition for allowance and reconsideration of the claims is respectfully requested.

Date: September 13, 2007

/Kenneth R. Eiferman/

Kenneth R. Eiferman

Registration No. 51,647

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439